

Remarks

Initially, Applicants appreciate the Examiner taking the time on July 15, 2004 to discuss possible claim amendments to assist with placing the case in condition for allowance.

Applicants believe the amendments filed herein address the Examiner's remaining concerns and are consistent with the claims discussed during our telephone conference.

Please amend claims 1, 24, 26, 27, 30 and 31. Please cancel claims 2-7, 15 and 16. No new matter is added as a result of these amendments. Support for the amendments may be found in the examples and throughout the application as originally filed. Applicants have amended the claims in a manner which they believe addresses the Examiner's concerns and which places the claims in condition for allowance. For at least the above reasons, it is submitted that claims 1, 9-14, 17, 24, 26-32 are in a condition for allowance.

Objection

Claim 6 was objected to as being of improper dependent form. As claim 6 has been cancelled the objection is respectfully mooted.

Rejections Under 35 U.S.C. § 112 ¶2

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

On page 3 claim 1 (and dependents therefrom) and claim 26 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly containing subject matter which fails to particularly point out and distinctly claim the invention due to the use of the phrase "the bacterial starter culture." Applicants appreciate the Examiner's suggestions and have amended the claims to recite "a bacterial starter culture." Accordingly, the rejection is moot.

35 U.S.C. § 112 ¶ 1

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

On pages 3-8, claims 1-3, 6-7, 9-17, 24, 26-32 stand rejected under 35 U.S.C. §112 ¶ 1, as "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention." The Examiner maintains that the specification

enables a purine or pyrimidine auxotrophic bacterial culture. Applicants respectfully disagree with this rejection and continue to maintain that the specification satisfies the written description requirement for the entire scope of the claims prior to this amendment, for all of the reasons previously detailed by Applicants. In the interest of advancing prosecution Applicants have limited the claimed invention to recite "a purine or thymidine auxotrophic" bacterial culture as discussed during the telephonic interview, and reserve the right to prosecute further claims in a divisional application. Applicants submit that the claims as amended moot the Examiner's rejections.

The rejection is respectfully traversed.

Conclusion

All claims are in condition for allowance, an indication of which is solicited. In the event any outstanding issues remain, Applicants would appreciate a telephone call to their undersigned counsel to resolve such issues in an expeditious and effective manner.

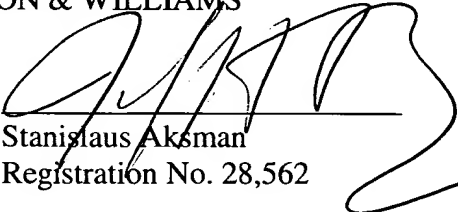
It is believed that no fees are due in connection with this Amendment. However, if any additional fees are determined to be due, the Director is hereby authorized to charge such fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: July 21, 2004

By:


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